

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
WAYNE FRISBY,  
  
Defendant.

CASE NO. CR20-0217-JCC-10  
  
ORDER

This matter comes before the Court on Defendant's unopposed motion to seal his sentencing memorandum and related exhibit (Dkt. No. 408).

The First Amendment protects the public's right of access to criminal trials. *See, e.g., Globe Newspaper Co. v. Super. Ct. for Norfolk Cnty.*, 457 U.S. 596, 606 (1982). The public also has a common law right to inspect and copy public records, including those from judicial proceedings. *See Nixon v. Warner Commc'ns*, 435 U.S. 589, 597 (1978). But these rights are not absolute. They must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017). Because Defendant's sentencing memorandum (Dkt. No. 409) and related exhibit (Dkt. No. 414) contain sensitive information about past trauma, and private information about Defendant's current family situation, sealing them serves a compelling interest that is

1 substantially likely to be harmed if they are not sealed, and no less restrictive alternatives would  
2 protect the interest. Accordingly, the Court finds good cause to seal the documents.

3 Defendant's motion to seal (Dkt. No. 408) is GRANTED. The Clerk is DIRECTED to  
4 maintain under seal Docket Numbers 409 and 414.

5 DATED this 19th day of August 2022.

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9 John C. Coughenour  
10 UNITED STATES DISTRICT JUDGE  
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